



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

August 16, 1990

Mr. Mel Hazlewood  
Attorney at Law  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR90-390

Dear Mr. Hazlewood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9645.

The requested documents consist of the following:

1. Interviews with current and former students of the University of Texas (hereinafter, the "University") and notes thereof.
2. Questionnaires completed by University students.
3. Interviews with University staff members and notes thereof.
4. Questionnaires completed by University staff members (some of whom are also students).
5. Interviews with Austin Police Department Officers.
6. A report of an investigation conducted for the University by a law firm (in both draft and final form).
7. Documents entitled "Football Review Recommendations."

We have considered the exceptions you claimed, specifically sections 3(a)(11), 3(a)(14) and 14e and have reviewed the documents submitted for our review. With respect to items 1 through 5, enumerated above, due to the volume and repetitive nature of the documents you have submitted representative samples for our review.

You assert that items 1 and 2, as enumerated above, and those portions of items 3, 4, 5 and 6 which contain any information that might enable one to identify a student are excepted from public disclosure under sections 3(a)(14) and 14e of the Open Records Act. We agree. See Open Records Decision Nos. 539 (1990), 462 (1987), and 447 (1986), copies enclosed.

Section 3(a)(14) excepts from public disclosure "student records at educational institutions funded wholly, or in part, by state revenue." Section 14(e) incorporates the confidentiality provisions of the Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. § 1232g, into the Open Records Act. Under the provisions of FERPA educational records or personally identifiable information about a student may not be released without, in the case of a post-secondary institution, the student's written consent. 34 C.F.R. § 99.30. Personally identifiable information includes any information that would make the student's identity easily traceable. 34 C.F.R. § 99.3.

Accordingly, items 1 and 2, interviews and questionnaires of University students are confidential and must be withheld in their entirety.

With respect to items 3, 4, and 5 interviews and questionnaires of University staff members, and interviews with Austin police officers, in addition to the representative samples submitted for our review, you have submitted edited versions which you advise you intend to release. As the deleted portions refer to students whose identity would be easily traceable from the deleted information, the edit you have made is appropriate. You must withhold the deleted information. As you have made an appropriate edit with respect to the sample documents submitted for our review, we rely on you to edit the remaining documents in the same manner.

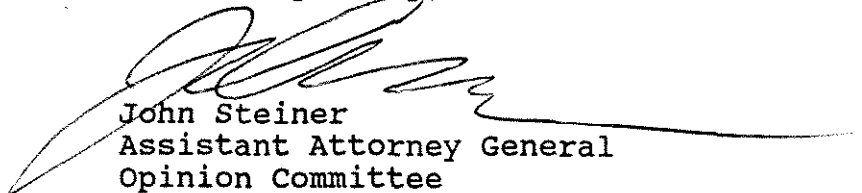
With respect to item 6, the draft and final report of the report of the law firm to the University, you have submitted an edited version which you advise you intend to release. As the deleted portions refer to students whose identity would be easily traceable from the deleted

information, the edit you have made is appropriate. You must withhold the deleted information.

You have marked portions of item 7, the "Football Review Recommendations", that you assert are excepted from public disclosure by section 3(a)(11). As the marked portions consist of advice, opinion, and recommendation to be used in the deliberative process, they may be withheld. The balance of the document must be released. See, e.g., Open Records Decision No. 559 (1990).

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-390.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/le

Ref.: ID# 9645, 9658, 9836, 9855, 10271

Enclosure: Open Records Decisions Nos. 559, 539, 462, 447;  
Documents Submitted; Marked Documents